

21.04.2025.
Item No. 37.
Court No. 13
sp

M.A.T. No. 299 of 2025
With
I.A. No. CAN 1 of 2025

Ajay Mitra & Ors.
Versus
The State of West Bengal & Ors.

Mr. Samim Ahammed,
Ms. Ambiya Khatun,
Mr. Arka Ranjan Bhattacharya,
Mr. Danish Abbasi

..for the appellants.

Mr. Kishore Dutta, Id. A.G.,
Mr. Mr. Swapan Banerjee,
Mr. S. Shaw,
Mr. Diptendu Narayan Banerjee,
Mr. S. Chatterjee

..for the State.

Mr. Srijan Nayak,,
Ms. Rituparna Maitra

...For the Cooperative Election Commission.

1. The appeal is directed against an order dated 26th February, 2025 passed by a Single Bench of this Court. The writ petition was disposed of by the order permitting the four writ petitioners to participate in the election process for selection of members to the Managing Committee of Medinipur People's Cooperative Bank Limited.

2. In addition to that, the constitutional vires of Regulation 3(35) of the West Bengal Cooperative Election Regulation, 2012 was challenged.

3. It is submitted by Mr. Samim Ahammed, learned counsel for the appellants that as many as 31 persons

had tried to file nomination in the said election process but were prevented from doing so. They thereafter submitted nomination by post.

4. It appears from records that the said 31 persons have not been impleaded in the writ petition before the Single Bench.

5. The four writ petitioners who were permitted by the Single Bench to participate in the election and lost. It appears from the submissions of Mr. Nayak, learned counsel for the Election Commission that there were several posts that went uncontested and some were contested including the four writ petitioners.

6. Mr. Samim disputes the same and submits that only four petitioners contested the election and the rest of the 51 posts went uncontested. Allegations have been raised against the Election Commission for failure to conduct the election in accordance with the rules.

7. It appears that except four persons who filed the writ petition, the balance of the 31 persons have not approached the Court or even Election Commission with any complaint.

8. Mr. Nayak submits that one complaint was received by the Commission on the last day of filing nomination.

9. It appears that there was scuffle and disputes between certain persons and some of them claimed to have been prevented in filing nomination. It is only

before this Court that an application for impleading the balance 31 persons have been filed in the form of an interim application.

10. This Court is of the view that since only four persons approached Court and obtained relief, the Single Bench had no other option than dispose of the writ petition. The issue with regard to the constitutional vires of Regulation 3(35) of the West Bengal Cooperative Election Regulation, 2012 and Section 96 of the West Bengal Cooperative Societies Act, is left open to be challenged and agitated in any other proceeding.

11. With the aforesaid observations, MAT 299 of 2025 shall stand disposed of.

12. In view of the above, all connected applications shall also stand disposed of.

13. There shall be no order as to costs.

14. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)